IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL WRIT PETITION NO.1750 OF 2006

Mr.Ramesh Vaja Prabari & Anr. .. ..Petitioners

Versus

The State of Maharashtra & Ors. .. ..Respondents

Mr.S.G.Kulkarni with DeepakC.Natu i/b N.Deepak & Co. for Petitioner

Smt.U.V.Kejriwal, APP for State

Mr.Girish Kulkarni for Respondent No.3

CORAM : J.N.PATEL &

SMT. ROSHAN DALVI, JJ.

DATE : 5TH SEPTEMBER, 2006.

P.C.:

1. Heard.

2. The learned APP informs the Court that two of the suspects are not in India and therefore no progress

could be made in the investigation. It will be proper that the Investigating Officer conclude the investigation in the case and file his report in the matter rather than waiting for two suspects. In case the investigating officer finds that there is material against the suspects they can be very well show their names in the Column of wanted accused and he can then proceed against them and secure their presence and can also carry out further investigation after seeking formal permission from the Magistrate. The learned APP after taking instructions from P.I.Shri G.D.Giri, the concerned I.O. states that the investigation would be concluded within a period of four weeks and Report in the matter would be filed. We make it clear that in case the Investigating Officer propose to file Report whether it is under Section 169 or 170 of Cr.P.C. he shall give due notice to the complainant as well as the accused in the case. In view of this statement nothing survive in the petition. The Petition stands disposed of.

(J.N.Patel, J.)

(Smt. Roshan S.Dalvi,J.)